

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY HOWARD GATES,

Plaintiff,

v.

M. NAVARRO, et al.,

Defendants.

Case No. 1:23-cv-00271-CDB

**ORDER REFERRING CASE TO POST-
SCREENING ADR AND STAYING CASE
FOR 90 DAYS**

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Johnny Howard Gates, appearing pro se and *in forma pauperis*, brought claims arising under 42 U.S.C. § 1983. This action proceeds against Defendant J. Alejo and F. Barrios on Eighth Amendment excessive force claims and against Defendant M. Navarro on an Eighth Amendment failure to protect claim.

The Court refers all civil rights cases filed by pro se inmates to Alternative Dispute Resolution (“ADR”) to attempt to resolve such cases more expeditiously and less expensively. In appropriate cases, defense counsel from the California Attorney General’s Office have agreed to participate in ADR. No claims, defenses, or objections are waived by the parties’ participation.

The Court stays this action for ninety days to allow the parties to investigate Plaintiff’s claims, meet and confer, and participate in an early settlement conference. The Court presumes that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement conference. However, if, after investigating Plaintiff’s claims and meeting and conferring, either

party finds that a settlement conference would be a waste of resources, the party may opt out of the early settlement conference.

Accordingly, it is hereby **ORDERED**:

1. This action is STAYED for **ninety (90) days** to allow the parties an opportunity to settle their dispute before the discovery process begins. No pleadings or motions may be filed in this case during the stay. The parties shall not engage in formal discovery, but they may engage in informal discovery to prepare for the settlement conference.
2. **Within forty-five (45) days** from the date of this order, the parties SHALL file the attached notice, indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time.
3. **Within sixty (60) days** from the date of this order, the assigned Deputy Attorney General SHALL contact the undersigned's Courtroom Deputy Clerk at shall@caed.uscourts.gov to schedule the settlement conference, assuming the parties agree to proceed to an early settlement conference.
4. If the parties reach a settlement during the stay of this action, they SHALL file a Notice of Settlement as required by Local Rule 160.
5. The Clerk of the Court SHALL serve via email copies of Plaintiff's complaint (Doc. 1), the Court's screening order (Doc. 8), and this Order to Supervising Deputy Attorney General Giam M. Nguyen, and a copy of this Order to ADR Coordinator Sujean Park.
6. The parties are obligated to keep the Court informed of their current addresses during the stay and the pendency of this action. Changes of address must be reported promptly in a Notice of Change of Address. *See* L.R. 182(f).

IT IS SO ORDERED.

Dated: **August 25, 2023**


UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY HOWARD GATES,
Plaintiff,
v.
M. NAVARRO, et al.,
Defendants.

Case No. 1:23-cv-00271-CDB (PC)

NOTICE REGARDING EARLY
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes ____ No ____

2. Plaintiff (check one):

____ would like to participate in the settlement conference in person.

____ would like to participate in the settlement conference by telephone or video conference.

Dated: _____

Plaintiff or Counsel for Defendant